THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18102 OF 2006

01.9.2006

Between:

Chowdari Lakshmi, W/o.late Narasimhappadu
And others

… Petitioners

AND

The Commissioner (Revision of Manuals)
Chief Commissioner of Land Administration,
Andhra Pradesh, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18102 OF 2006

ORDER:

The petitioners' application, for grant of patta, under Section 11(a) of A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (the Act, for brevity), was dismissed by the Settlement Officer, Visakhapatnam, on 07.11.1988. The petitioners preferred appeal under Section 5(2) of the Act before the Commissioner & Director of Settlements, Andhra Pradesh, Hyderabad, which was also dismissed on 10.1.2006. Therefore, the petitioners filed revision under Section 7(d) of the Act before the Commissioner of Land Administration, Hyderabad, which is pending. In the meanwhile, alleging that respondents 3 and 4 are trying to dispossess the petitioners, an application for suspension of the orders of the lower authorities was filed in the review, in vain. Therefore, the present writ petition is filed seeking direction to the first respondent to dispose of the revision expeditiously and also another direction to the respondents 3 and 4 not to dispossess the petitioners.

It is now well settled that when a statute provides alternative remedy and the aggrieved citizen has availed such remedy, writ petition under Section 226 of Constitution of India is not maintainable. Admittedly, the petitioners filed revision under Section 7(d) of the Act and also filed an application for suspension of the orders of the lower authorities. The remedy of the petitioners, therefore, is to approach the first respondent for appropriate orders on the application for suspension. In this writ petition, no relief can be granted. However, as the petitioners allegedly filed revision before the first respondent in February 2006, it would be appropriate to observe that the first respondent should dispose of either the application for suspension of the orders of the lower authorities or the revision petition itself as expeditiously as possible. The petitioners are given liberty to approach the first respondent with a copy of this order and an application to expedite the hearing of the revision petition.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

September 01, 2006
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